

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8744 of 1995

Dated:19.1.2007

Between

B.Hamsa

.....Petitioner

and

1.The Indian Drugs and Pharmaceuticals
Limited, Kukatpally, Balanagar, Hyderabad
Rep., by its Managing Director and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

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ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to pay pension as per the Revised Pension Rules, 1986 including the Dearness Allowance revised from time to time with effect from 1.1.1986 with interest at 18% per annum till the actual payment and continue to pay the same.

It appears that the husband of the petitioner died on 7.10.1981 while he was in service. He worked as Typist-cum-Clerk in the office of the 1st respondent-Indian Drugs and Pharmaceuticals Limited, Kukatpally. According to the petitioner, the 1st respondent-Company is wholly under subsidiary of Government of India and opted to the payment of pension scheme to its employees or their dependants or successors and the pension shall be

prepared through the Office of the 2nd and 3rd respondents. After death of her husband, the petitioner was granted family pension of Rs.157/- per month, which was enhanced from time to time and as on the date of filing of the writ petition, the petitioner was getting monthly pension of Rs.375/-.

The grievance of the petitioner is that as per the Revised Pension Rules, 1986, as and when there is increase in the pension as applicable to the employees, the family pension sanctioned in her favour is also liable to be enhanced, whereas the same has not been done by the respondents. Hence, the writ petition.

In spite of service of notice, none appears for the 1st respondent. It is brought to the notice of this Court that the 1st respondent organization is wound up as early as on 20th February, 2002.

A detailed counter-affidavit has been filed on behalf of the 2nd and 3rd respondents denying the allegations made by the petitioner. It is stated that the very writ petition is not maintainable since the

husband of the petitioner is not entitled to Government salary and pension during his employment in the 1st respondent organization. He was also not entitled to any pension as per the Revised Pension Rules of the Government of India and the deceased was a member of the Provident Fund under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act') by virtue of his employment in the 1st respondent organization. Therefore, the petitioner is entitled to the Family pension as per the provisions of the Family Pension Scheme, 1971 framed under the Act.

It is asserted by the learned counsel for the petitioner that the Revised Pension Rules, 1986 are applicable in case of the petitioner as the same are adopted by the 1st respondent organization. He has not placed any record or evidence to show that any resolution was passed by the 1st respondent organization adopting the Revised Pension Rules, 1986.

The pension granted under the Family

Pension Scheme, 1971 cannot be revised or enhanced as and when there is revision of Pension Rules by the Central Government or under the Revised Pension Rules, 1986, as contended by the petitioner. The Family Pension granted to the petitioner has nothing to do with the Revised Pension Rules 1986.

From the above, it is clear that the Central Government Pension Rules are not applicable in the case of the husband of the petitioner. Further, whatever is granted in favour of the petitioner is under Family Pension Scheme, 1971 framed under the Employees Provident Fund and Miscellaneous Provisions Act, 1952. Family Pension is altogether different from pension granted to the Government employees. The husband of the petitioner was never granted any pension under the Government Rules. Therefore, the enhancement of pension as per the Revised Pension Rules, 1986 in case of the petitioner does not arise.

The writ petition is devoid of merits and is liable to be dismissed.

Writ petition is dismissed accordingly. No costs.

19.01.2007

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